

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TNT AMUSEMENTS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-cv-330 JAR
)	
TORCH ELECTRONICS, LLC, et al.,)	
)	
Defendants.)	

**UNOPPOSED MOTION
FOR TELEPHONIC HEARING REGARDING PENDING MOTIONS**

TNT Amusements, Inc. (“TNT”) hereby moves that the Court set a telephonic hearing to entertain oral arguments on the parties’ pending motions, in order to assist the Court with ruling on such motions prior to the trial date in this matter. Defendants do not oppose TNT’s request, subject to the limitations described below. In support of its Motion, TNT states as follows:

1. Under the parties’ Joint Scheduling Plan (Doc. #45) and this Court’s recent Order (Doc. #206), the parties’ joint stipulations are due this Friday, July 5, 2024; motions in limine are due on Monday, July 8, 2024; proposed jury instructions are due on Friday, July 12, 2024; and trial briefs are due on Wednesday, July 17, 2024.

2. Also currently pending before the Court are numerous motions that bear upon the parties’ pretrial preparations.

3. The currently pending motions include TNT’s Motion for Leave to Supplement Stacy Friedman’s Expert Report (Doc. #181); Defendants’ Motion to Strike Mr. Friedman’s Third Supplemental Report (Doc. #179); TNT’s First and Second Motions to Exclude Certain Testimony of Nick Farley (Doc. ##77, 187); Defendants’ Motions to Exclude Expert Testimony of Stacy

Friedman and Robert Kneuper (Doc. ##73, 75); TNT's Motion for Partial Summary Judgment (Doc. #81); and Defendants' Motion for Summary Judgment (Doc. #83) (the "Pending Motions").

TNT's Request

4. TNT believes that oral arguments on one of more of the Pending Motions may assist the Court in resolving said motions, thereby simplifying the parties' pretrial preparations.

5. While TNT has previously requested oral argument on its Second Motion to Exclude Testimony of Nick Farley (Doc. #188), it has not formally requested oral argument on any of the other Pending Motions.

6. TNT therefore renews its request for oral argument with respect to its Second Motion to Exclude Testimony of Nick Farley and requests oral argument on the other Pending Motions, to the extent the Court may, in its sole discretion, find such oral argument to be useful in resolving the Pending Motions.

7. TNT does not make this motion for the purposes of delay but instead to promote the orderly adjudication of this case.

Defendants' Position

8. Prior to filing the instant motion, counsel for TNT conferred with counsel for Defendants via email to ascertain their position with respect to the relief requested herein.

9. Although Defendants do not oppose TNT's request for oral argument, Defendants do not join TNT's request and instead defer to the Court's judgment as to whether oral arguments on any of the Pending Motions is necessary.

10. Defendants request, however, if the Court does grant TNT's request for oral arguments on any of the Pending Motions, (1) that the Court permit such oral arguments to be held telephonically in order to avoid the need for Defendants' counsel to travel to attend such

arguments; and (2) that the Court schedule such a hearing no earlier than July 5, 2024 in order to accommodate Defendants' counsel's travel schedule. TNT does not oppose Defendants' requests.

WHEREFORE TNT respectfully requests that the Court set a telephonic hearing on the Pending Motions on July 5, 2024 or the first available date thereafter, and that it grant such other and further relief as the Court deems just and proper.

Dated: July 2, 2024

Respectfully submitted,

BRYAN CAVE LEIGHTON
PAISNER LLP

/s/ Richard E. Finneran

RICHARD E. FINNERAN, #60768MO
MARY GRACE WARREN, #73147MO
211 North Broadway, Suite 3600
St. Louis, Missouri 63102
Tel: (314) 259-2000
Fax: (314) 259-2020
richard.finneran@bryancave.com
marygrace.warren@bryancave.com

*Attorneys for TNT Amusements, Inc. d/b/a Play-Mor
Coin-Op*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served via the Court's electronic filing system on all counsel of record.

/s/ Richard E. Finneran